

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Civil Action No.18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on July 31, 2019 (ECF No. 123), Defendants respectfully submit this status report. The Court's order requires Defendants, by August 7, 2019 at Noon, to provide the unredacted separation files of 15 (now 18) DTP MAVNIs to Plaintiffs' counsel; file a status report with the Court regarding USARC's intention to offer reinstatement to these 15 (now 18) MAVNIs for purposes of receiving the procedures described in AR 135-178; provide plaintiffs' counsel with a list of 21 names of DTP MAVNIs whose naturalization applications were denied, withdrawn, or administratively closed since September 30, 2016; and provide USCIS with (1) a list of the 349 MAVNIs discharged since September 30, 2016 for non-MSSD reasons who received a USAREC discharge order but not a USARC discharge order, notifying USCIS that each person on this list, has not, in fact, been discharged from the Army; and (2) a list of 15 (now 18) DTP MAVNIs who were discharged for non-MSSD reasons since September 30, 2016 and received both USAREC and USARC discharge orders, notifying USCIS of the Army's intention to revoke these MAVNI's discharge orders in order to

afford the procedures of AR 135-178, contemporaneously providing the same lists to plaintiffs' counsel. Order (ECF No. 123) at 1-2.

1. USARC intends to offer reinstatement to the 18 DTP MAVNIs for purposes of receiving the procedures described in AR 135-178.

2. On August 7, 2019, Defendants provided Plaintiffs' counsel with the 5 additional unredacted separation files for DTP MAVNIs who received both USAREC and USARC discharge orders (Defendants provided Plaintiffs' counsel with the first 13 unredacted files on July 22, 2019); the 21 names of DTP MAVNIs whose naturalization applications were denied, withdrawn, or administratively closed since September 30, 2016; the list of 349 MAVNIs discharged since September 30, 2016 for non-MSSD reasons who received a USAREC discharge order but not a USARC discharge order; and the list of DTP MAVNIs discharged for non-MSSD reasons since September 30, 2016 who received both USAREC and USARC discharge orders.

3. On August 7, 2019, Defendants provided USCIS with the list of 349 MAVNIs discharged since September 30, 2016 for non-MSSD reasons who received a USAREC discharge order but not a USARC discharge order. Defendants notified USCIS that each of these 349 MAVNIs have not, in fact, been discharged from the Army. Defendants further provided USCIS with the list of the DTP MAVNIs who were discharged for non-MSSD reasons since September 30, 2016 and received both USAREC and USARC discharge orders. Defendants notified USCIS that USARC intends to offer reinstatement to the 18 DTP MAVNIs for purposes of receiving the procedures described in AR 135-178.

Dated: August 7, 2019

Respectfully submitted,

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